

United States Court of Appeals  
For the Eighth Circuit

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No. 13-1004

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Irma Del Rosario Caispal De Trinidad

*Petitioner*

v.

Eric H. Holder, Jr.

*Respondent*

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Petition for Review of an Order of the  
Board of Immigration Appeals

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Submitted: October 1, 2013

Filed: October 8, 2013

[Unpublished]

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Before MURPHY, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Irma Del Rosario Caispal De Trinidad, a citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals (BIA), which upheld an immigration judge's (IJ's) decision denying her asylum, withholding of removal, and relief under the Convention Against Torture (CAT). She also challenges the BIA's denial of her request for humanitarian asylum. After careful review, we conclude that

the BIA appropriately upheld the IJ's denial of relief, as it was supported by substantial evidence on the record as a whole. *See Cubillos v. Holder*, 565 F.3d 1054, 1056-58 (8th Cir. 2009) (setting forth substantial-evidence standard; BIA decision is upheld unless evidence is so compelling that no reasonable fact finder could adopt BIA's position; denial of asylum dictates same outcome on withholding-of-removal claim based on same underlying factual allegations); *Guled v. Mukasey*, 515 F.3d 872, 882 (8th Cir. 2008) (separate analysis under CAT is required only when there is evidence alien may be tortured for reasons unrelated to his claims for asylum and withholding of removal). We also conclude that the BIA did not abuse its discretion in denying De Trinidad's request for humanitarian asylum. *See Mambwe v. Holder*, 572 F.3d 540, 549 (8th Cir. 2009) (stating that humanitarian asylum may only be granted to alien found to be refugee on basis of past persecution); *see also Hernandez v. Holder*, 579 F.3d 864, 874 (8th Cir. 2009) (abuse-of-discretion review for BIA's denial of petitioner's request for humanitarian asylum), *vacated in part on other grounds*, 606 F.3d 900 (8th Cir. 2010). Accordingly, we deny the petition for review. *See* 8th Cir. R. 47B.

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